



## **CASE ALERT: WASHINGTON**

### **Protecting Individuals from Racial Bias in the Court System**

*[In re Dependency of Q.S.](#)*, 22 Wn.App.2d 586, 515 P.3d 978 (2022)

**How Could This Case Help?** This case may help someone who has experienced racial bias within the civil legal system generally and the “child protection” or dependency legal system more specifically.

**Summary of the Case** The State of Washington’s Department of Children, Youth, and Families (DCYF) filed a case to declare a Father’s two sons be removed from him and placed in foster care. During the trial, the Father was stereotyped as an angry black man, and this stereotype was used against him. The trial court decided the children were “dependent” and ordered that they be placed in foster care and taken from their Father. The Father appealed.

The Court of Appeals decided the evidence did not support taking the children from the custody of their Father. The evidence did not show that the Father’s parenting was dangerous to the children’s development. The only time “issues” with the Father appeared was when DCYF interacted with him. The Court of Appeals discussed that a parent’s mental illness does not, by itself, prove that a parent is unfit or incapable. The trial court wrongly dismissed the testimony related to racial bias when it is their responsibility to “confront[] the possible racial bias in the child dependency system.” The Court of Appeals also held that the [Washington Supreme Court’s June 2020 letter’s](#) message about the overrepresentation of Black Americans in every stage of criminal and juvenile legal systems should also be applied to the Washington State child dependency system (i.e. foster care). Black children are more likely to be in foster care, less likely to be reunified with their families, more likely to be placed in group care, and become involved in the criminal justice system. The Court of Appeals overturned the dependency order and ordered the return of the sons to the Father’s care and custody.

#### **PRACTICE TIPS**

1. If you are involved **in a child dependency case**, and you believe there may be **racial bias** against you, show the court this case.
2. If the trial court **ignores evidence of racial bias towards you**, show them a copy of this case.

For questions or clarifications, email or call Family Violence Appellate Project at [infoWA@fvaplaw.org](mailto:infoWA@fvaplaw.org) or (360) 680-1030. Thank you!